

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

v.

**TOMMIE D. RICE a/k/a TOMMI RICE
and LAKEN N. SWIGER,**

Defendants.

Criminal No.

1:22-cr-36

Violations: **18 U.S.C. § 2
18 U.S.C. § 371
18 U.S.C. § 922(a)(6)
18 U.S.C. § 922(g)(3)
18 U.S.C. § 924(a)(2)**

INDICTMENT

The Grand Jury charges that:

COUNT ONE

(Conspiracy to Violate Federal Firearms Laws)

On or about April 10, 2019, in Harrison County, in the Northern District of West Virginia, the defendants **TOMMIE D. RICE a/k/a TOMMI RICE and LAKEN N. SWIGER** did combine, conspire, confederate and agree to commit an offense against the United States, that is, to knowingly make a false written statement which was intended and likely to deceive a Federal Firearm Licensee regarding the lawfulness of the sale of a firearm in connection with the acquisition of a firearm, in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

OVERT ACTS

In furtherance of the conspiracy and to achieve the objects thereof, the defendants and other persons committed and caused to be committed the following overt acts in the Northern District of West Virginia:

1. On April 10, 2019, **TOMMIE D. RICE a/k/a TOMMI RICE** and **LAKEN N. SWIGER** traveled to a Federal Firearm Licensee to obtain a firearm;
2. On April 10, 2019, **TOMMIE D. RICE a/k/a TOMMI RICE** selected the firearm for **LAKEN N. SWIGER** to purchase on his behalf;
3. On April 10, 2019, in Clarksburg, West Virginia, **LAKEN N. SWIGER** completed an ATF Form 4473, making a false statement that was intended and likely to deceive a Federal Firearm Licensee regarding the lawfulness of the sale of a firearm in connection with the attempted acquisition of a firearm, as further described in Count Two of the Indictment;
4. On April 11, 2019, **TOMMIE D. RICE a/k/a TOMMI RICE** and **LAKEN N. SWIGER** traveled to a Federal Firearm Licensee to pickup the previously purchased firearm; and
5. On April 11, 2019, **LAKEN N. SWIGER** picked up the previously purchased firearm.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

(False Statement During Purchase of Firearm)

On or about April 10, 2019, in Harrison County, in the Northern District of West Virginia, defendant **LAKEN N. SWIGER**, aided and abetted by **TOMMIE D. RICE a/k/a TOMMI RICE**, in connection with the purchase of a firearm, that is, a Glock semi-automatic pistol, model 30, .45 caliber, serial number CWT993, from a licensed dealer of firearms within the meaning of Chapter 44, Title 18, United States Code, knowingly made a false and fictitious written statement, which was intended and likely to deceive a licensed dealer of firearms, as to facts material to the lawfulness of such sale of said firearm to the defendant under chapter 44 of Title 18, in that defendant **LAKEN N. SWIGER** represented that she was the actual buyer of the firearm on ATF Form 4473, when in fact as the defendant then knew, she was not the actual buyer of the firearm, in violation of Title 18, United States Code, Sections 2, 922(a)(6), and 924(a)(2).

COUNT THREE

(Unlawful Possession of Firearm as Drug User)

On or about July 11, 2019, in Harrison County, in the Northern District of West Virginia, defendant **TOMMIE D. RICE a/k/a TOMMI RICE**, possessed a firearm, that is, a Glock semi-automatic pistol, model 30, .45 caliber, serial number CWT993, knowing he was an unlawful user of and addicted to a controlled substance, that is, marijuana, and did so knowingly, said firearm having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(3) and 924(a)(2).

A true bill,

/s/
Grand Jury Foreperson

/s/
WILLIAM IHLENFELD
United States Attorney

Christopher L. Bauer
Assistant United States Attorney